IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1112 OF 2007

Milind Ramdas Sonavane ....Petitioner
V/s.
The State of Maharashtra & Ors. ....Respondents

Mr.R.K. Mendadkar with Ms.H.K. Mandlik for the Petitioner.

Mr.A.H. Palekar, AGP for the Respondents.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 5TH APRIL, 2007.

ORAL ORDER : (PER R.M. SAVANT, J.) :

1. By this Petition filed under Article 226 of the Constitution of India, the Petitioner challenges the order dated 17.7.2006, passed by the Caste Scrutiny Committee invalidating the caste claim of the Petitioner as belonging to Mahadeo Koli, Scheduled Tribe.

. The issue regarding the verification of the Petitioner’s caste claim has had a chequered history. Earlier the Petitioner’s caste claim was invalidated by the Committee by its order dated 31.7.1997 against which order the Petitioner had filed Writ Petition

No.493 of 1997, impugning the decision of the Committee on the ground that the Committee which verified the Petitioner's caste claim was not properly constituted. The said Petition came to be allowed by this Court and the matter was remanded back to the Scrutiny Committee for a decision afresh.

2. On such remand, the proceedings in respect of the verification of the caste claim of the Petitioner commenced. The Petitioner filed various documents which inter-alia included the school record of the Petitioner's near relations, validity certificate granted to the Petitioner's near relations, an enquiry was conducted through the Vigilance Cell which submitted its report to the Committee. The Petitioner was thereafter heard in the matter by the Committee which after giving an opportunity to the Petitioner in respect of the Vigilance Cell's report as well as in respect of the traits, characteristic etc. invalidated the caste claim of the Petitioner as belonging to Mahadeo Koli. It is significant to note that in so far as the Petitioner's father and his uncle Dadaji Raghunath Sonnis are concerned, the school records show that the caste is "Hindu Koli".

3. The Petitioner has relied upon the school

record of his near relations whose names have been reproduced in the order at internal page 5 thereof. However, the school record in respect of Namdeo Sukdeo Sonnis, Gampu Shivram Sonnis, Pundlik Sukdeo Sonnis and Sanjay Namdeo Sonawane is recorded as "Mahadeo Koli". The said entries pertain to the period of 1956 and onwards i.e. after passing of the first Presidential Order and therefore the Committee has rightly not relied upon the said evidence. In so far as the Petitioner's uncle Dadaji Raghunath Sonnis, there are two certificates in his respect. One certificate relating to his school shows that his caste as "Hindu Koli" and another certificate shows his caste as "Mahadeo Koli". The Enquiry Officer attached to the Vigilance Cell submitted his report along with the letter dated 6.12.2004 sent by the Head Master, Ravalgaon English School and Junior College Ravalgaon, Taluka Malegaon, District Nasik intimating that the caste of the said Dadaji Raghunath Sonnis has been entered as "Hindu Koli" in the general register on 16.6.1960. Thereafter the said entry has been changed to "Hindu Mahadeo Koli". It has been mentioned in the order of the Scrutiny Committee that under the Secondary School Code as per Rule 26.4, the Education Officer is competent to make the corrections in the caste status if the caste status is mis-spelt.

But in the case of Dadajai Raghunath Sonnis the caste status is entirely changed from Koli to Mahadeo Koli without there being any basis for the said change. Hence the Committee has rightly rejected the said evidence.

4. In so far as the Vigilance Cell report is concerned, the Committee has rightly held that the observations made in the said report are beyond the scope of enquiry contemplated by the said Vigilance Cell in the matter of scrutiny of a caste certificate. The Vigilance Cell's job is to submit a fact finding report to the Committee and not to advise or recommend the Committee as regards the caste or tribe of the applicant. The Scrutiny Committee therefore has rightly observed in the context of the report submitted in the present case that what has been submitted therein, is beyond the purview of the Vigilance Cell. In so far as the validity certificates on which reliance was sought to be placed by the Petitioner in the teeth of evidence produced by the Petitioner in support of his caste claim, the Committee has rightly refused to rely upon the affidavits filed by Somnath Vithalrao Sojwal and Ravikant Ganpat Sonawane who the Petitioner claimed are his cousins and who have been granted the caste

validity certificates.

5. The Committee has rightly observed relying upon the judgment of the Apex Court in *Madhuri Patil and another Vs. Addl. Commissioner Tribal Deve, Thane, AIR 1995 SC 94* that a claimant has to stand on his/her own legs and merely because one of the family members caste claim has been verified would not by itself be the foundation for verification for grant of validity certificate in favour of the Applicant. In the light of overwhelming evidence that the Petitioner's father and uncles caste is recorded as "Koli", we do not find any infirmity in the order of the Scrutiny Committee, which is impugned in the present Petition and resultantly the above Petition is dismissed summarily.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)